

REMARKS

Claims 1-15 have been examined in the present application. Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zehavi (U.S. Pat. App. Pub. No. 2005/0083878, hereafter “Zehavi”) in view of Knauerhase et al. (U.S. Pat. App. Pub. No. 2004/0203847, hereafter “Knauerhase”). Claims 7-12, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zehavi and Knauerhase with a view to Choi (U.S. 6,967,944, hereafter “Choi”). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Zehavi, Knauerhase, and Choi with a view to Comstock et al. (U.S. Pat. App. Pub. No. 2002/0183038).

By this Amendment, Applicant is amending claims 7, 9 and 10 and adding new claims 16-25.

Preliminary Matters

Applicant thanks the Examiner for acknowledging Applicant’s claim to foreign priority under 35 U.S.C. § 119 and receipt of the certified foreign priority documents filed July 29, 2003.

Applicant also thanks the Examiner for acknowledging acceptance of the drawings filed July 29, 2003, as well as considering and initialing the Information Disclosure Statements filed July 29, 2003 and November 12, 2003.

§103 Rejections

1. *Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zehavi (U.S. Pat. App. Pub. No. 2005/0083878, hereafter “Zehavi”) in view of Knauerhase et al. (U.S. Pat. App. Pub. No. 2004/0203847, hereafter “Knauerhase”).*

Claim 1 recites:

judgment means for making a judgment as to whether or not the wireless communication means is within a coverage area of the wireless communication equipment; and

operation control means for activating the wireless communication means only in the case where a result of the judgment by the judgment means is affirmative.

The Examiner argues that Zehavi teaches or suggests the above elements, citing Zehavi, paragraphs [0031]-[0034] as support. Applicant respectfully disagrees. Zehavi teaches that a camera may be moved within a range of service points, at which point, the user then transfers data to the system for providing hard copies of digital images. Zehavi fails to teach, however, an operation control means which activates the wireless communication means when the judgment means is affirmative. Zehavi requires that the user activate communication, not that the communication occurs by function of a control means contained within a wireless communication apparatus.

Additionally, the Examiner concedes that Zehavi fails to teach or suggest “a judgment means for making a judgment as to whether or not the wireless communication means is within a coverage area of the wireless communication equipment...” See Office Action page 3. The Examiner cites Knauerhase as teaching a judgment means. Knauerhase teaches a wireless device that can save a task list, and then, through Global Positioning Systems, cellular triangulation, or hotspot detection, alerting a user as to when one of the tasks on the list may be fulfilled, based on the user’s location. Knauerhase does not teach that the wireless device contains a judgment means for making a judgment as to whether or not the wireless communication means is within a coverage area of the wireless communication equipment (for carrying out data communication), as is required in claim 1. The provider database in Knauerhase simply teaches a database

comprising entities or individuals offering services. These entities, such as gas stations and flower shops do not supply data communication via wireless means. Rather, when a task is entered into the device, the device searches the database for locations which offer services which would complete the task, and notifies the user when the user nears one of the locations. The database is not wireless communication equipment as is required in the claimed invention, nor does the device judge whether any wireless communication means is within a coverage area of the wireless communication equipment.

Moreover, to the extent a form of wireless communication in the task list of Knauerhase is included, the hand-carried user device informs a user of both the presence of wireless communication and other service providers that have nothing to do with wireless service. Therefore, the activation of an operation means only in the case of an affirmative determination of the in-coverage area of a wireless communication apparatus would fundamentally defeat the objects of the Knauerhase reference.

Stated differently, Knauerhase teaches away from its combination with Zehari. Knauerhase essentially requires a constant communication with some wireless network in order to indicate whether a particular form of service provider is nearby. In this manner, Knauerhase cannot have operation “only” in the coverage range of a wireless communication apparatus.

Thus, Zehavi and Knauerhas, either individually or in combination, fail to disclose all of the limitations of claim 1. Therefore, claim 1 is patentable over the applied art. Claims 2-6 are patentable at least by virtue of their dependency from claim 1.

2. *Claims 7-12, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zehavi and Knauerhase with a view to Choi (U.S. 6,967,944, hereafter “Choi”).*

Claims 7-9 are dependent upon claim 1. Because Zehavi and Knauerhase fail to teach or suggest all of the limitations of claim 1, and because Choi fails to cure the deficiencies noted in Zehavi and Knauerhase, claims 7-9 are patentable over the applied art.

The Examiner concedes that the combination of Zehavi and Knauerhase fails to teach all of the elements of claim 10 on page 5 of the Office Action (argument relating to claim 7 is reiterated with respect to claim 10 -- see page 4-5 of the Office Action). The Examiner argues that Choi teaches the following element of claim 10:

control means for controlling the wireless communication means so as to send the authentication information stored in the authentication information storage means to the wireless communication equipment by carrying out the data communication with the wireless communication equipment in the case where the transfer instruction is received by the instruction means in a state where the image data are stored in the image storage means, and so as to send the image data stored in the image storage means to the wireless communication equipment after the wireless communication equipment authenticates the imaging apparatus according to the authentication information.

Choi teaches a system and method for synchronizing a network and controlling medium access to maintain collision free data exchange among a plurality of stations. Choi fails to teach that the authentication information is sent to the wireless communication means in the case where the transfer instruction is received by the instruction means in a state where the image data are stored in the image storage means. Choi teaches that an access point performs authentication of access and control of medium for data with associated quality of service. However, the access point does not perform these services in a case where the transfer instruction is received by the instruction means in a state where the image data are stored in the image storage means. Therefore, Choi fails to teach or suggest the elements of claim 10 that Zehavi and Knauerhase admittedly fail to teach. Claim 10 is patentable over the applied art.

Claims 11, 12, 14 and 15 are patentable at least by virtue of their dependency from claim 10.

3. *Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Zehavi, Knauerhase, and Choi with a view to Comstock et al. (U.S. Pat. App. Pub. No. 2002/0183038).*

Claim 13 is dependent from claim 10. Because the combined references, either individually or in combination, fail to teach all of the elements of claim 10, and because Comstock fails to cure the defects of the combined references, claim 13 is patentable at least by virtue of its dependency from claim 10.

New Claims

New claim 16 recites a method claim containing similar limitations to those found in claim 1. For reasons analogous to those presented with regard to claim 1, new claim 16 is patentable over the applied art.

Claims 17-22 are dependent from claim 16 and are patentable at least by virtue of their dependency from claim 16.

Claims 23-25 are dependent from claim 1 and are patentable at least by virtue of their dependency from claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/628,557

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